

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PATRICK LECLAIRE

Plaintiff,

vs.

**BUDDY STORBECK'S DIESEL
SERVICE, INC. d/b/a UD TRUCKS
OF SAN ANTONIO,**

Defendant

§
§
§
§
§
§
§
§

CIVIL ACTION NO. SA11CA0619 XR

JURY DEMANDED

Plaintiff Motion for Leave to Extend Time to File Joint Scheduling Order

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES PATRICK LECLAIRE, Plaintiff in the above-styled and numbered cause, and files this Motion for Leave to Extend Time to File Joint Scheduling Order. In support of this Reply, Plaintiff respectfully shows the Court the following:

1. Counsel for Plaintiff is currently in trial in Bexar County District Court in the case, *David Martinez v. Christus Santa Rosa Health Care Corporation d/b/a Christus Santa Rosa Health Care*, Case No. 2009-CI-04851, in the 166th Judicial District Court, Bexar County, Texas. Trial on the merits in this case on Monday, October 17, 2011. The trial is expected to continue through the week.
2. Counsel for Plaintiff and Defendant have been able to reach some general agreements and Counsel for Defendants prepared a draft of a proposed schedule Order for Plaintiff's counsel to review. Plaintiff's Counsel sent an email indicated that his assistant would communicate with Defendants Counsel regarding the proposed Order. However, due to the burden of trial preparation Plaintiff's causal was unable to make all of the changes or suggestions that he wanted to incorporate into the Order.

Plaintiff's Counsel does not anticipate any difficulties in finally reaching an agreement.

3. Plaintiff's Counsel did not intentionally disregard Counsel for Defendant's, He simply ran out of time. Additionally, the Judge in the State court case requires the attorney's to be in the courtroom at 7:30 am to discuss any matter's of law outside of the presence of the jury. Accordingly, Plaintiff's counsel is unavailable during working hours to communicate with Defendant's counsel regarding the scheduling order.
4. Plaintiff Counsel requests that this Court extend the time to submit a joint scheduling Order Until Wednesday October 26, 2011.
5. The purpose of the Motion is not for delay, but so that justice may be done.

Respectfully submitted,

By: /s/ Glenn D. Levy
Glenn D. Levy
Texas Bar No. 12264925
906 Basse, Suite 100
San Antonio, TX 78212
Tel.: (210) 822-5666
Fax: (210) 822-5650
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff conferred was unable to confer with counsel for Defendant about the filing of this Motion due to the fact that Plaintiff's Counsel has been unavailable during working hours. Accordingly, this matter is presented to the Court for determination.

By: _____ /s/
Glenn D. Levy

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October, 2011 a true and correct copy of the foregoing was served on the attorney of record listed in the ECF records via the Court ECF system.

/s/
Glenn D. Levy